

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,362

IN THE MATTER OF:

Served April 7, 2010

Application of CEEPCO CONTRACTING,)
LLC, for a Certificate of Authority)
-- Irregular Route Operations)

Case No. AP-2009-079

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 12,124, served August 18, 2009.

Order No. 12,124 specified that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully comply with the prescribed conditions within the allotted time. The conditional grant consequently became void on February 17, 2010. Under Article XIII, Section 4(a), applicant had until March 19, 2010, to file an application for reconsideration.¹

Applicant timely filed an application for reconsideration on March 1, 2010, but the application does not allege any error on the part of the Commission as required by statute.² The application therefore is denied. We may reopen this proceeding on our own initiative,³ however, and issue Certificate of Authority No. 1632, provided applicant has substantially satisfied the conditions of issuance prescribed in Order No. 12,124.⁴

The record shows that applicant has complied with all of the requirements of Order No. 12,124, except the requirement that applicant file copies of the for-hire registrations for all vehicles and the requirement that applicant file leases for vehicles not registered in applicant's name.

Applicant proposes transporting passengers under a contract with the Environmental Protection Administration (EPA). Some of the vehicles applicant will be using to provide that service are being furnished by the agency, as stipulated in the contract. Applicant has not produced any registrations for these vehicles because they are owned by the federal government, and the federal government is not required to register them with any state, and the vehicles are

¹ See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on the day the conditional grant becomes void).

² Compact, tit. II, art. XIII, § 4(a).

³ Commission Rule No. 26-04.

⁴ *In re Haymarket Transp., Inc.*, No. AP-08-181, Order No. 12,186 (Oct. 8, 2009).

sufficiently identified in the contract.⁵ Under the circumstances, we shall waive this condition of Order No. 12,124 with respect to the vehicles furnished by EPA.

Applicant also has not produced any lease(s) for the vehicles furnished by EPA because EPA contracting personnel have informed applicant that EPA leases these vehicles from the General Services Administration and GSA rules prohibit the agency from leasing these vehicles to a third party. We express no opinion on what GSA regulations allow and disallow. We find, however, that the EPA contract serves as an acceptable substitute for the lease(s) required by Regulation No. 62.

The Commission adopted its vehicle leasing regulations in 1979 for the following purposes:

- 1) promoting the maximum efficient utilization of manpower and equipment consistent with the public interest and the law;
- 2) informing persons subject to the Commission's jurisdiction what leasing practices may lawfully be conducted;
- 3) assuring clear identification of the carrier to the public and to the users of the service;
- 4) identifying the carrier whose tariff rates must apply to an operation;
- 5) clearly identifying responsibility for an operation;
- 6) preventing circumvention of the Compact through "rental" of operating rights;
- 7) preventing crossjurisdictional abuse of vehicle licensing and registration requirements;
- 8) assuring equipment availability; and
- 9) assuring continuity of service through appropriately guaranteed lease pricing.

In re Proposed Reg. Relating to Leases of Equip., No. 388, Order No. 2011 at 8 (July 24, 1979). The EPA contract accomplishes these purposes by identifying the vehicles furnished by EPA, stipulating that the vehicles "will only be used for performance under this contract, unless otherwise directed by the [Purchase Office]",⁶ and identifying applicant as the sole contractor.⁷

One collateral issue remains. According to a vehicle list obtained from applicant's insurance company, applicant has not yet reported to the insurer two of the vehicles furnished by EPA: a 2008

⁵ The specific vehicles are identified by VIN, plate number, year, make, and model in the agency contract, which applicant has filed as its proposed Contract Tariff No. CT-1.

⁶ EPA Contract, p. 2-5 of 6, § 4.01.

⁷ An updated vehicle list prepared by EPA contracting staff and received by the Commission March 5, 2010, shall be appended to applicant's tariff to ensure complete accuracy. A copy of the updated list shall be maintained in the Commission's carrier lease files, as well.

Chevy with VIN ending 97002 and a 2009 Chevy with VIN ending 14873. In addition, applicant has reported four vehicles to its insurance company that were not included in the vehicle list filed with the Commission in response to Order No. 12,124. Those vehicles have not been inspected by Commission staff, and there is nothing in the record to indicate that those vehicles have passed a safety inspection within the past 12 months. The four vehicles in question are as follows:

2004 Ford VIN ending 05509
2006 Ford VIN ending 45008
2009 Ford VIN ending 58687
2006 Ford VIN ending 88843

Applicant shall not operate the six aforementioned vehicles under Certificate No. 1632 unless and until they have been cleared for service by Commission staff.

In consideration of the foregoing, we find that applicant has substantially satisfied the conditions of issuance prescribed in Order No. 12,124.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration is denied.
2. That Case No. AP-2009-079 is reopened pursuant to Commission Rule No. 26-04.
3. That applicant having substantially satisfied the conditions of Order No. 12,124, Certificate of Authority No. 1632 shall be issued to Ceepco Contracting, LLC, 6802 Industrial Drive, #204, Beltsville, MD, 20705-1273.
4. That applicant shall not operate the following six vehicles under Certificate No. 1632 unless and until the Commission's Executive Director has verified in writing that they have been reported to applicant's insurance company, passed a safety inspection within the past 12 months, and passed inspection by Commission staff.

2008 Chevy VIN ending 97002
2009 Chevy VIN ending 14873
2004 Ford VIN ending 05509
2006 Ford VIN ending 45008
2009 Ford VIN ending 58687
2006 Ford VIN ending 88843

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND CHRISTIE:



William S. Morrow, Jr.
Executive Director